

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

IN RE:

Donna Huchins Mangon,

Debtor.

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§

Case No. 17-50185-BR-13

**MOTION OF AUTO FINANCE USA FOR RELIEF FROM AUTOMATIC STAY
AGAINST 2015 NISSAN JUKE
AND WAIVER OF 30-DAY HEARING REQUIREMENT**

NOTICE

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

The Motion of AUTO FINANCE USA respectfully represents:

1. Debtor, Donna Huchins Mangon, filed a Petition under Chapter 13 of the Bankruptcy Code.
2. Auto Finance USA is the holder of a secured claim against the Debtor. A Contract and Certificate of Title create and perfect an interest in favor of Auto Finance USA on the property described in the Contract, namely: 2015 Nissan Juke, VIN: JN8AF5MR1FT504402 "Collateral").
3. The Chapter 13 Plan requires payments to Auto Finance USA to be made directly by Debtor. A delinquency exists for the months of September and October 2017 totaling \$793.88.

4. Auto Finance USA has been unable to verify insurance coverage and believes that Debtor has no physical damage insurance on the Collateral as required by the Contract. Such lack of insurance coverage does not adequately protect Auto Finance USA's security interest and represents "cause" to lift the stay.

5. Auto Finance USA does not have, and has not been offered adequate protection for its interest in the Collateral described above.

6. If Auto Finance USA is not permitted to take possession of the Collateral in question and foreclose its interest, it will suffer injury, loss and damage.

7. In the event Auto Finance USA exercises its rights to repossess and sell or otherwise liquidate the Collateral pursuant to an Order for Relief from Stay, Auto Finance USA requests the right to file an amended Proof of Claim for any deficiency balance remaining and that such balance be treated and paid thereafter as an unsecured claim under the existing Confirmed Plan, if any.

8. Debtor purchased the Collateral on July 18, 2017 within 910 days from filing the instant case. In the event the Collateral is sold for less than the amount owed, Auto Finance USA's unsecured claim, if any, should be paid through Debtors' Chapter 13 Plan.

9. Auto Finance USA hereby waives the thirty-day hearing requirement specified in 11 U.S.C. §362.

WHEREFORE, Auto Finance USA prays that:

(1) The Automatic Stay of 11 U.S.C. §362 be modified to permit Auto Finance USA to take possession of and to foreclose its interest in the Collateral described above;

(2) In the event Auto Finance USA exercises its rights to repossess and sell or otherwise liquidate the Collateral pursuant to an Order for Relief from Stay, Auto Finance USA requests the right to file an amended Proof of Claim for any deficiency balance remaining and

that such balance be treated and paid thereafter as an unsecured claim under the existing Confirmed Plan; and

(3) Auto Finance USA be granted such other relief to which it may be entitled.

DATED November 14, 2017.

Respectfully submitted,

QUILLING, SELANDER, LOWNDS, WINSLETT &
MOSER, P.C.
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By: /s/ Patrick M. Lynch
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ATTORNEYS FOR MOVANT, AUTO
FINANCE USA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served upon the parties listed below by First Class Mail, postage prepaid, or by electronic filing notification, on November 14, 2017.

U.S. Trustee
110 N. College Ave., Suite 300
Tyler, TX 75702

Gordon Mosley, Esq.
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Donna Huchins Mangon
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/s/ Patrick M. Lynch
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